



Environmental Assessment Decision Notice
and
Finding of No Significant Impact
Mattson Property Fishing Access Site Acquisition and Development
August 31, 2020

Description of Proposed Project

Montana Fish, Wildlife and Parks (FWP) proposes to purchase 14.89 acres along US Highway 93 at Montibello Lane adjacent to Flathead Lake from the Montana Outdoor Legacy Foundation to be developed and managed as the “Montebello” Fishing Access Site (FAS). The proposed site is approximately one mile east of Dayton, Montana. Site developments would include access roads, parking area, a concrete boat ramp, boat dock, vault latrine, on-site host site, signage and boundary fencing. This proposal would increase public access on Flathead Lake for boating, fishing and shore-based recreation.

Montana Environmental Policy Act (MEPA) Process and Public Involvement

FWP released a draft environmental assessment (EA) for 30-day public review period on July 10, 2020, with comment closing August 9, 2020. The EA was advertised through media releases and legal notices in the Daily Inter Lake, Helena Independent Record, the Lake County Leader and on the FWP website and social media (Facebook & Twitter). Copies of the EA were available from the Kalispell FWP office, on the FWP web site, and at the Montana State Library and the Flathead County libraries.

The EA evaluated the potential impacts of the following alternatives:

1. Alternative A: No Action

If no action was taken, FWP would not purchase or develop the property for public access. The property would remain in private ownership and the property would likely be developed eventually. Public access would remain prohibited.

2. Alternative B: Proposed Action

FWP would acquire 14.89 acres of property along Flathead Lake for inclusion in the statewide Fishing Access Site (FAS) system. The property would be developed with an access road, parking area, boat launch, dock, vault latrine, signage, boundary fencing and host campsite. Acquisition and development of the property by FWP would ensure future public access and prevent residential or commercial development of the property.

Summary of Public Comment:

FWP received 54 written comments, two verbal comments (phone calls) and one petition with 30 signatures. FWP staff reviewed the comments to identify specific issues. A comment was defined as a specific issue or impact. In many cases,

multiple commenters listed the same or similar comments; these comments are summarized and listed once, and one response is provided.

The following comments were considered supportive of Alternative A, the no action alternative.

Comment

The project would increase pressure on Dayton Bay and Skeeko Bay and Wild Horse Island with more boats including motorboats which presents a safety concern including for sailing vessels as well as environmental impacts, trash and trespass. The bays are already crowded and unsafe and have too much commercial activity.

Response

Overcrowding is subjective as it pertains to social acceptance and not all users think Flathead Lake or Dayton and Skeeko bays are overcrowded. FWP enforces boating laws and regulations intended to reduce user conflicts and prevent accidents. Wild Horse Island is a state park that is managed by FWP to accommodate public access and recreation. FWP staff routinely patrol and monitor the park for impacts and resource damage. A composting toilet is provided on the island for public use and FWP staff have found very little litter on the island. Wildlife managers have not observed signs of stress in wildlife populations related to human presence on the island. The majority of visitation to the island occurs during the summer when wildlife is generally less vulnerable to disturbance. Following the Statewide Fisheries Management Program and Guide, FWP continues to pursue opportunities to increase access on popular water bodies, such as Flathead Lake, where user numbers are increasing to levels above the capacity of existing sites. FWP would provide fencing and signage at the property boundary to reduce trespassing on private property. An on-site host and FWP staff would periodically monitor the site for trespassing. Litter would be picked up daily by an on-site host during the summer season and weekly by FWP staff in the off-season. An adequate number and type of garbage receptacles would be added to the site. The Fishing Access Site would be open for day-use only. No development would occur in the wetland, if necessary, FWP may take additional actions (fencing) to protect the wetland.

An established Fishing Access Site with committed FWP staff presence would facilitate the enforcement of the 200-foot no-wake rule in conjunction with Montana boating regulations. Dayton Bay is popular with the sailing community, but FWP strives to accommodate as many types of user groups as feasible at our public access sites.

Comment

The project is being rushed. The property has been for sale for several years and has not sold so there is time to slow down and take a hard look at the project including impacts to surrounding resources and communities.

Response

FWP disagrees that the project is being rushed. Several years ago, the landowner expressed an interest in selling this site to FWP so it could be used by the public to access and enjoy Flathead Lake. FWP has considered this site for various potential uses over the years while the property was publicly listed for sale. FWP followed the proper procedural steps outlined in the Montana Environmental Policy Act for environmental and public review, including a 30-day public comment period. FWP will conduct required and advisable due diligence prior to the purchase and will seek approval from both the Fish and Wildlife Commission and Montana Board of Land Commissioners.

Comment

FWP should extend the comment period for a project of this significance.

Response

FWP followed the proper procedural steps outlined in the Montana Environmental Policy Act for environmental and public review, and we believe the 30-day comment period and distribution was sufficient for this proposed project. This Environmental Assessment was posted on the Montana Fish, Wildlife & Parks website on July 10, 2020. The comment

period ran from then through Aug 9, at 5 p.m. FWP sent a notifying email to a standard MEPA distribution list on July 10 at 2:55 pm. This includes the Montana State Library, State Historic Preservation Office, Lake County Commissioners, and area legislators. FWP published a news release announcing the proposed project on July 10 at 2:34 pm. This includes regional media outlets that typically distributed the story, as well as interest groups/foundations/clubs and local businesses. Post card notifications were mailed to the 12 adjacent landowners on July 10. FWP also sent a separate notice to Lake County Commissioners on July 13, 2020, with an invitation to comment on and ask questions about the Environmental Assessment. Lastly, FWP posted the EA on social media (Facebook & Twitter).

Legal notices were published in the following papers:

The Daily Inter Lake on 7/13 & 7/27

Lake County Leader on 7/16 & 7/30

Helena Independent Record on 7/15 & 7/29

Comment

MCA 23-1-110 calls for public meetings to provide the public with the opportunity to comment. Where is the provision for public involvement and public meeting required by MCA23-1-110? Why is the public comment period so short? Any project of this magnitude should have a minimum of 60 days for public comment.

Response

FWP followed the proper procedural steps outlined in the Montana Environmental Policy Act for environmental and public review, including a 30-day public comment period. MEPA states that for an environmental assessment, the agency's responsibility to provide public access to the process is largely discretionary. Because of the COVID-19 pandemic, the decision was made to not hold an independent public meeting due to safety concerns. However, the public will have the opportunity to comment on this acquisition at the upcoming Land Board meeting during which this proposal will be discussed. FWP believes this satisfies its public process statutory obligations. FWP also invited public input through the FWP website, in writing or over the phone for the 30-day comment period. MCA 23-1-110 only applies to significant changes in FAS features or use patterns and therefore does not apply to this process.

Comment

There already are existing access sites including state-owned property 5 miles south at Elmo and FWP should invest in those instead. The Elmo property is more appropriate for the proposed developments.

Response

This project is intended to complement the existing network of public access sites on Flathead Lake. This site is uniquely situated to provide access to Wild Horse Island for smaller boats and non-motorized watercraft. Following the Statewide Fisheries Management Program and Guide, FWP continues to pursue opportunities to increase access on popular water bodies, such as Flathead Lake, where user numbers are exceeding the capacity of existing sites. The property at Elmo is State Trust Land managed by the Montana Department of Natural Resources and Conservation (DNRC) Trust Lands Division to produce revenues for the school trust. Property at the Elmo site has been leased from DNRC by private and public entities including FWP in the past to provide public access. Due to increased lease costs based on appraised property values, FWP was unable to renew the lease in March 2020. Based on the amount of waterfront property and acreage, the appraised value of the Elmo property would be 2-3 times higher than the proposed Dayton property. The Elmo site is currently leased by Lake County and remains open for public use. FWP is not willing to make a significant investment in infrastructure at a leased site. Following the Statewide Fisheries Management Program and Guide, FWP continues to pursue opportunities to increase access on popular water bodies, such as Flathead Lake, where user numbers are increasing to levels above the capacity of existing sites.

Comment

The approach to the property on Hwy 93 is unsafe because there is a passing lane in the northbound land and people turning in from the north would have to turn through 2 lanes of high-speed traffic. Sight distances from the north are limited and a turn lane would need to be installed which would be very expensive. The Department of Transportation does not appear to have been consulted in the preparation of the EA.

Response

If the project proceeds, FWP would consult with the Montana Department of Transportation to consider options to make the approach safer.

Comment

FWP should instead secure a conservation easement on the Mattson property and spend money on developing the Elmo property.

Response

The size of the property does not make it a suitable candidate for a conservation easement. In addition, a conservation easement would severely restrict development of the site, likely precluding use of the property for boat launch facilities and parking area. Finally, the landowners have chosen to sell the property outright, not to retain ownership and sell a lesser interest like a conservation easement.

Comment

The abandoned structures on the property would be an attractive nuisance and safety concern. The EA does not address them at all.

Response

FWP would remove the structures in consultation with the State Historical Preservation Office (SHPO).

Comment

The shoreline is too shallow to accommodate boat launching without vehicles backing far into the water. This would introduce pollution into the lake. Many residents use lake water for drinking water and water quality would decline.

Response

FWP can accommodate adequate boat launching at the proposed site by properly designing the boat ramp. There currently are fee, private, and public boat accesses to the lake, and motor boating has occurred in this vicinity for many years. The site design will regulate use of this site by providing a limited amount of boat trailer parking sites. FWP does not believe development of this site will significantly increase boat traffic on Flathead Lake and it will spread out the use that is already occurring.

Comment

Because the site layout calls for the latrine to be uphill away from the shoreline hundreds of yards, people would relieve themselves on or near the beach and would contaminate the lake.

Response

The latrine would be positioned close to the parking area to provide for the most convenient access possible. FWP would monitor the situation and make changes if needed.

Comment

This EA only considers the short-term impacts associated with development and not the long-term impacts to the environment and community. The EA incorrectly identifies many of the potential impacts from the project as minor and temporary. An EIS is needed for this project. The issues involved with this project call for a much more comprehensive, long-term approach to assessing environmental impacts on Flathead Lake.

Response

FWP followed the proper procedural steps outlined in the Montana Environmental Policy Act for environmental and public review. The environmental assessment is consistent with assessments for other Fishing Access Site acquisitions and development projects around the state and is adequate for this project. FWP found no significant impacts on the human or physical environments associated with this proposal; therefore, the EA is the appropriate level of analysis and an environmental impact statement is not required.

Comment

People would have barbeques and campfires at the site and could potentially start a fire. Any fire could easily spread to neighboring properties.

Response

Campfires would be illegal at this site. The site would be monitored by a volunteer on-site host and FWP staff for illegal activity. Enclosed barbeques would be allowed.

Comment

FWP lists Lake County Lakeshore Protection permits but not the CSKT Lakeshore Protection permits as necessary for the construction of a boat ramp and dock. CSKT officials at the Lakeshore Protection Department had not been consulted in the preparation of the plans for development.

Response

FWP would consult all the appropriate agencies including the CSKT Shoreline Protection Department and would secure all necessary permits for construction.

Comment

The Dayton area is notorious for water quality issues. Further strain on well water will be a major concern for nearby residents that depend on the aquifer's quality.

Response

No drinking water would be provided on site. The host campsite would include a well and septic system that would service one party of two people for part of the year. The septic system would be compliant with all appropriate regulations and would be permitted through all appropriate agencies.

Comment

The project would decrease the property values of neighboring properties.

Response

Studies exist on the impact of parks and open space on the value of nearby property. Some studies have documented an increase in nearby property values, while others have shown a neutral or negative impact. A review of literature regarding

this topic is inconclusive due to the wide array of variables affecting housing and property values. Overall, property values on Flathead Lake remain substantial and have continued to increase in recent years, and in 2018 broke all-time records for transactions and total volume, according to a waterfront market report released by David Fetveit of PureWest Real Estate.

Comment

The project would decrease the quality of life for neighboring residents and property owners by introducing noise, garbage, and human waste to the area and by impacting the aesthetics of the neighborhood, is in violation of the Good Neighbor Policy.

Response

The property is currently undeveloped. FWP acknowledges that the proposed development would alter the aesthetic character of the property. The property would remain as open space with no buildings or residences. Vehicles parked at the site would be visible to residents and visitors. The site would be open for day-use only and would be monitored by an on-site host. FWP would patrol the site to enforce regulations. FWP recognizes that the public use of the site would generate noise. The site would be closed nightly to reduce night-time disturbance. Highway 93 borders the property and neighboring properties to the north, which is already a source of noise. If the property is instead sold to a private party, the property could be developed for residential or commercial uses which would also alter the aesthetic character of the community or neighborhood, affecting noise levels and increasing human impacts to the area.

FWP is subject to **MCA 23-1-126**, the good neighbor policy (recreational lands), and will adhere to the law, which is as follows:

- (1) The good neighbor policy of public land use, as applied to public recreational lands, seeks a goal of no impact upon adjoining private and public lands by preventing impact on those adjoining lands from noxious weeds, trespass, litter, noise and light pollution, streambank erosion, and loss of privacy.
- (2) In order to implement the good neighbor policy expeditiously, the legislature finds it necessary to require the department of fish, wildlife, and parks to place maintenance as a priority over additional development at all state parks and fishing access sites.

Comment

FWP Fishing Access Sites are already understaffed and not managed well. This project would exacerbate that problem by adding one more site to manage with no additional staffing or funding. What happens when budgets get cut in the future?

Response

Many of Montana’s Fishing Access Sites are busy and experience heavy use during the summer. FWP does not agree that they are not well managed. This site would be staffed by an on-site volunteer host or host couple during summer months. During these months and the rest of the year, the site would be visited by FWP staff who travel past the site on a regular basis to maintain existing Fishing Access Sites, adding minimal additional effort and cost to include this site.

Comment

The proposal does not consider the long-term carbon footprint of encouraging more motorized watercraft use of Flathead Lake.

Response

That is outside of the scope of this assessment.

Comment

The property is too far from the population centers of Kalispell and Bigfork at the north end of the lake where access is needed the most. Most people from the Flathead Valley won't make drive to the site. FWP should consider improving existing sites closer to the north end of the lake.

Response

The property is 27 miles from Kalispell, 30 miles from Bigfork, and 21 miles from Polson. Big Arm State Park, south of Dayton, is one of the most popular public sites in the region and regularly attracts boaters and anglers. FWP recognizes the need for more and improved access to Flathead Lake, which currently only has 11 percent of its shoreline available for public access (excluding islands). Most access sites on the north end of the lake are already developed to their greatest extent given site constraints. FWP is exploring and will continue to explore additional access opportunities at Flathead Lake and elsewhere in the Region.

Comment

Vehicles would overflow onto Montibello Lane when the site is full and obstruction of Montibello Lane would cut off access to neighboring properties that use this lane for access. There is no turn around on Montibello Lane past the Mattson property. The EA does not address this issue.

Response

FWP would provide signage that indicates that no parking is allowed on Montibello Lane and that there is no turn-around. The on-site volunteer host would monitor the parking situation. FWP enforcement personnel would assist with any reoccurring parking issues.

Comment

FWP should consider making this property an access for non-motorized watercraft.

Response

FWP believes much of the access at this site is likely to be non-motorized watercraft seeking access to Wild Horse Island State Park, though we are not planning to limit motorized use.

The following is a summary of common themes supporting Alternative B, the proposed action:

- *Flathead Lake is a treasure and the public needs more access. If people don't have access to this resource, they will not respect it. There is a serious shortage of public access to Flathead Lake.*
- *There is a need for more day-use areas that allow for a swimming and picnic area.*
- *FWP should take advantage of this rare opportunity to purchase this property at a good price before it goes away. Opportunities like this will become increasingly rare.*
- *Public access to Flathead Lake is limited and this acquisition would help meet growing demand for recreational opportunities on Flathead Lake. Current access sites are overcrowded and lack quality facilities.*
- *The project would relieve pressure on the small overused boat ramp in Dayton that does not have any parking or restroom available. People are parking on the side streets and grassy areas in town.*
- *This property would be an especially good place for non-motorized users to launch trips to Wild Horse Island due to its proximity to the island.*

- *The area around Wild Horse Island, Cedar Island and Painted Rocks provides quality fishing opportunities for Lake trout, Lake whitefish and Yellow perch. This site would provide the most direct access to those fishing opportunities.*
- *Flathead Lake is a vital source of economic activity in the communities near the lake. The outdoor recreation economy is one of the largest sources of income for the State of Montana and many nearby communities depend on this income.*
- *The project would prevent future residential or commercial development of the property.*
- *It is extremely generous of the current owners to consider selling this property to FWP for below market value for the benefit of the public. Please express our gratitude.*

The following comments raised issues for FWP to address but did not express support or opposition to the proposed action.

Comment

Please build a boat ramp with a wind break wall and multiple ramps for larger boats as most boat ramps in the state are inadequate.

Response

FWP is proposing to build a single boat ramp suitable for a wide variety of boats. A windbreak or seawall is not part of this proposal.

Comment

FWP should consider adding vegetative buffers along the property boundary to reduce impacts to neighbors in addition to fences.

Response

FWP would consider adding vegetative buffers to provide screening for neighbors.

Comment

Please make the boat ramp useable at low lake levels. Many other ramps in the area are not useable at low water.

Response

FWP would attempt to make the boat ramp useable at all lake levels within budgetary and regulatory constraints.

Comment

The facilities should not be designed just for fishing access. There are many kayakers, paddlers, swimmers, rowers and small boat sailors who use the lake. Please include a swimming area for kids with a no wake zone and a small craft launching area away from the power boats.

Response

FWP recognizes the wide variety of uses that occur on Flathead Lake and in our access sites. Swimming would be allowed away from the boat ramp and dock and a 200-ft no wake zone already exists on the lake. FWP would not install a designated swimming area under this proposal. Small craft would also be able to use the boat ramp and dock for launching.

Comment

It is misleading to refer to the site as a Fishing Access Site when you are designing it for powerboats, jet skis, pontoon boats.

Response

Montana’s Fishing Access Site program is managed to accommodate angling and access to lakes and rivers for other non-angling water-based recreation. Many anglers use powerboats especially on Flathead Lake where shore-based angling is difficult.

FWP Recommended Alternative and Final Decision

Based on the analysis in the environmental assessment (EA), I find Alternative B to be the preferred alternative. I have evaluated the EA and applicable laws, regulations, and policies and have determined that this action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared. Through the public review process described above, the public raised some concerns with the project, but all concerns were either addressed directly in the EA or in this decision notice. FWP found no significant impacts on the human or physical environments associated with this proposal; therefore, the EA is the appropriate level of analysis and an environmental impact statement is not required.

Alternative B: Proposed Action.

FWP would acquire 14.89 acres of property along Flathead Lake for inclusion in the statewide Fishing Access Site (FAS) system. The property would be developed with an access road, parking area, boat launch, dock, vault latrine, signage, boundary fencing and host campsite. Acquisition and development of the property by FWP would ensure future public access and prevent residential or commercial development of the property.

Noting and including the responses to public comments, the draft EA will become the final EA and together with this decision notice will serve as the final documents for this proposal.

The final EA may be viewed at or obtained from Montana Fish, Wildlife & Parks, Region One, 490 N. Meridian Road, Kalispell, MT 59901. Please direct requests and questions to:

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Date